REQUEST FOR QUALIFICATIONS

AIRSIDE PAVEMENT ASSESSMENT
ENGINEERING SERVICES

PROJECT NO. AV09000088

MAYOR
GREG STANTON

CITY COUNCIL
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DISTRICT NO. 6 – SAL DICICCIO
DISTRICT NO. 7 – MICHAEL NOWAKOWSKI
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CITY MANAGEMENT
CITY MANAGER  ED ZUERCHER
CITY ENGINEER  KINI L. E. KNUDSON, PE
REQUEST FOR QUALIFICATIONS

AIRSIDE PAVEMENT ASSESSMENT ENGINEERING SERVICES

PROJECT NO. AV09000088

The City of Phoenix is seeking a qualified consultant to provide an Airside Pavement Assessment for the Aviation Department at Phoenix Sky Harbor International Airport (PSHIA) - 3400 E. Sky Harbor Boulevard, Phoenix, AZ 85034.

SECTION I – PROJECT DESCRIPTION-

The Aviation Department is required to inspect pavement surfaces and have a pavement maintenance plan for its airports in order to meet Federal Aviation Administration requirements for receiving federal funds for pavement projects. The consultant will be required to conduct pavement condition inspections, develop Airport Pavement Management System (APMS) reports, and develop a Pavement Maintenance Management Program (PMMP).

Airside pavement assessment services to be provided include: PCI Inspections done in accordance with ASTM D 5340 Standard Test Method for Airport Pavement Condition Index, and AC 150/5380-6B Guidelines and Procedures for Maintenance of Airport Pavements; provide data analysis using MicroPAVER to generate pavement condition indexes (PCI); provide report of current conditions; and provide a pavement management program for airport inspections. All reports are required to be provided in both electronic and printed formats in accordance with City of Phoenix requirements.

SECTION II – SCOPE OF WORK

The consultant firm shall have comprehensive and extensive Aviation design and consulting experience in pavement management program analysis. For successful completion of this project, consultant services shall include, but not limited to the following:

- Update MicroPAVER database inventory, including revisions to existing network maps,
- Pavement condition surveys and update condition portion of database,
- Data analysis,
- Detailed visual inspection of existing pavement,
- Pavement inventory and program funding,
- Prepare maintenance and rehabilitation reports for all areas of the airport,
- A preferred rehabilitation strategy that considers pavement performance and a life-cycle cost (LCC) analysis.

The preferred consultant firm shall have experience in:

- Design experience in an active airport operations area,
- Experience in coordinating projects with airport user groups,
- Experience using and understanding FAA standards,
- Airport Pavement Management Programming.

SECTION III - PRE-SUBMITTAL CONFERENCE

A pre-submittal conference will be held on Monday, November 16, 2015, at 9:00 a.m., local time, at 3400 East Sky Harbor Blvd. Terminal 2 in the Phoenix Aviation Advisory Board (PAAB) Conference Room, located at 3400 East Sky Harbor Blvd. – Terminal 2, Phoenix, Arizona. At this meeting, staff will discuss the scope of work, general contract issues and respond to questions from the attendees. As City staff will not be available to respond to individual inquiries regarding the project scope outside of this pre-submittal
conference, it is strongly recommended that interested firms send a representative to the pre-submittal conference.

To find the Interim PAAB room in Terminal 2 please proceed through the baggage area and into the grand foyer. The PAAB room is on the second floor directly above the NYPD Pizza location. To access the second floor, you may take the stairs located between NYPD Pizza and the TSA Secure area exit or you may take the elevator located between the Press Express gift shop and the TSA Secure area entrance.

SECTION IV – DBE QUALIFICATIONS CRITERIA

This project will utilize federal funds provided by the Federal Aviation Administration and is subject to the requirements of 49 Code of Federal Regulations (CFR) Part 26 and the U.S. Department of Transportation Disadvantaged Business Enterprise (DBE) Program. Submitters are required to meet the DBE Program requirements detailed in Exhibit “A” and, by the submittal of qualifications or subsequent acceptance of a contract, agree to provide opportunities for the fair and full utilization of DBEs by complying with the submittal and post-award requirements of Exhibit “A”. Nothing in this clause shall be construed to require the utilization of DBEs that are not qualified or available to perform work. Failure to comply with the requirements of this clause constitutes a breach of contract. Such breach may lead to the termination or cancellation of the contract.

For this opportunity, the City has not established a race- and gender-conscious DBE participation goal. The City extends to each individual, firm, vendor, supplier, contractor, and subcontractor an equal opportunity to compete for business. The City supports the use of race- and gender-neutral measures to facilitate participation of DBEs and other small businesses. The City encourages submitters to voluntarily subcontract with DBEs and other small business to perform part of the work that the submitters might otherwise perform with their own forces.

SECTION V - STATEMENT OF QUALIFICATIONS EVALUATION CRITERIA

A Firm will be selected through a qualifications-based selection process based on the following criteria:

A. General information (15 points)

1. Provide a general description of the firm or team that is proposing to provide services for the project.

2. Provide the following information:
   a. List the professional licenses held by the team and the key personnel who will be assigned to this project.
   b. Identify the location of the lead firm’s principal office and the home office location of key staff on this project.
   c. Provide an organization chart showing key personnel.

B. Design Experience of the Prime Firm (25 points)

Discuss the experience and qualifications of the prime firm in providing these services for similar projects. For each project listed, please provide:

1. Description of the project
2. Project’s original contracted construction cost and final construction cost
3. Construction dates
4. Project owner
5. Percentage of DBE participation in design phase
6. Reference information (two current names with telephone numbers per project)

C. Experience of Key Personnel and Subconsultants (20 points)
Experience and qualifications of the specific project team expected to be assigned to this project. Include sub-consultant, including DBEs, experience. Identify each team member’s role in the projects identified.

For each key person identified, list their length of time with the firm and at least two comparable projects in which they have played a primary role. If a project selected for a key person is the same as one selected for the firm, provide just the project name and the role of the key person. For other projects provide the following:

1. Description of project
2. Role of the person
3. Project’s original contracted construction cost and final construction cost
4. Construction dates
5. Project Owner
6. Reference information (two current names with telephone numbers per project)

D. Project Understanding and Approach (30 points)

Understanding and approach to the project, including a discussion of the important considerations of the project and the teams approach to the project issues.

E. Overall evaluation of the firm and its perceived ability to provide the required services (10 points)

Overall evaluation of the firm’s capability to provide the required services as determined by the selection panel members. No additional submittal response is required.

SECTION VI - SUBMITTAL REQUIREMENTS

Firms interested in this project should submit a Statement of Qualifications (SOQ). Submittal requirements are as follows:

☑ Cover Letter: Provide a cover letter which includes full firm company name, address, phone number and the email address of your contact person for the project.

☑ Evaluation Criteria: Address the SOQ evaluation criteria and include a project organizational chart.

☑ Additional Content: Resumes and other information may be included (content shall be included within the permitted maximum page limit).

☑ DBE Attachments: Include completed DBE Clause Attachment A (Exhibit “A”) and supporting documentation, in a separate sealed envelope along with your SOQ submittal (DBE attachments do NOT count towards maximum page count).

☑ Submittals:

- Clearly display the firm name, project title, and project number on the cover of the SOQ and submittal package.
- Submittals must be placed in the depository located in the reception area on the 6th Floor of Phoenix City Hall by the submittal due date/time.
- All submittals must be addressed to:

  Kini L. E. Knudson, PE, City Engineer
  City of Phoenix
  200 West Washington Street, 6th Floor
  Phoenix, AZ 85003-1611
  c/o Liz Blakley
Provide 7 copies of the Statement of Qualifications.

A maximum of 12 pages is permitted to address all content in the SOQ submittal. *(Maximum page limit includes evaluation criteria and all additional content. It does not include cover letter.)*

Submit the Statement of Qualifications by 12:00 noon, local time, on Friday, December 4, 2015

Paper Size shall be 8½ " x11"

Font size may not be less than 10 point

Each side of a page containing evaluation criteria and additional content will be counted toward the maximum page limit noted above

Pages that have project photos, charts and/or graphs will be counted towards the maximum page limit noted above

Front and back covers, cover letter, Table of Contents pages, and divider (tab) pages will NOT be counted toward the maximum page limit noted above, unless they include evaluation criteria and additional content that could be considered by the selection panel

Note: All pages exceeding the specified maximum page limit will be removed from the submittal and not considered in evaluating a submitted SOQ.

**GROUNDS FOR DISQUALIFICATION:**

Please be advised that the following will be grounds for disqualification, and will be strictly enforced:

- Receipt of submittal after the specified cut-off date and time.
- Too few copies of the submittal.
- Deposit of submittal in the wrong location.
- Violating the “Contact with City Employees” policy contained in this RFQ.
- Missing DBE Attachment A and/or supporting documentation (Exhibit “A”). Note: Please submit in a separate sealed envelope.

**SECTION VII - SELECTION PROCESS AND SCHEDULE**

The successful firm/s will be selected through a qualifications based selection process. Interested firms will submit a Statement of Qualifications (SOQ). A Selection Panel will evaluate each SOQ according to the criteria set forth in Section V above. The City will select a firm based on the SOQ’s received; no formal interviews will be conducted. The City may conduct a due diligence review on the firm(s) receiving the highest evaluation.

The City expects to create a final list of at least three, but not more than five firms for this project. The City will enter into negotiations with the selected firm and execute a contract upon completion of negotiation of fees and contract terms for City Council approval.

The following tentative schedule has been prepared for this project.

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-submittal meeting</td>
<td>November 16, 2015</td>
</tr>
<tr>
<td>SOQs due</td>
<td>December 4, 2015</td>
</tr>
<tr>
<td>Scope Meeting</td>
<td>December 2015</td>
</tr>
</tbody>
</table>

If the City is unsuccessful in negotiating a contract with the best-qualified firm(s), the City may then negotiate with the next most qualified firm until a contract is executed, or the City may decide to terminate the selection process. Once a contract is executed with the successful firm, the procurement is complete.

Firm selected for this project will be notified directly by the City. Notification to all other firms on the status of a selection on this project will be posted on the City of Phoenix Street Transportation Department’s “Recent Awards by Project Number” website:

SECTION VIII - FEDERAL REQUIREMENTS

Lobbying and Influencing Federal Employees. No Federal appropriated funds shall be paid, by or on behalf of the Consultant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant and the amendment or modification of any Federal grant. If any funds other than Federal appropriated funds have been paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal grant, the Consultant shall complete and submit Standard Form-LLL, “Disclosure of Lobby activities,” in accordance with its instructions.

Trade Restriction. The Consultant and its subconsultants, by submission of the Statement of Qualifications, certifies that it is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms published by the Office of the United States Trade Representative (USTR); has not knowingly entered into any contract or subcontract for this contract with a person that is a citizen or national of a foreign country on said list, or is owned or controlled directly or indirectly by one or more citizens or nationals of a foreign country on said list; and has not procured any product nor subcontracted for the supply of any product for use on the contract that is produced in a foreign country on said list.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR 30.17, no contract shall be awarded to a Consultant or subconsultant who is unable to certify to the above. If the Consultant knowingly procures or subcontracts for the supply of any product or service of a foreign country on said list for use on the Project, the Federal Aviation Administration may direct through the Sponsor cancellation of the contract at no cost to the Government.

Further, the Consultant agrees that, if awarded a contract resulting from this solicitation it will incorporate this provision for certification without modification in each contract and in all lower tier subcontracts. The Consultant may rely on the certification of a prospective subconsultant unless it has knowledge that the certification is erroneous.

The Consultant shall provide immediate written notice to the Sponsor if the Consultant learns that its certification or that of a subconsultant was erroneous when submitted or has become erroneous by reason of changed circumstances. The subconsultant agrees to provide written notice to the Consultant if at any time it learns that its certification was erroneous by reason of changed circumstances.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a Consultant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

Debarment, Suspension, Ineligibility and Voluntary Exclusion. The Consultant and its subconsultants, by submission of its Statement of Qualifications (SOQ) certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees by submitting its SOQ that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the Consultant or any lower tier participant is unable to certify this statement, it shall attach an explanation to its SOQ.

Federal Affirmative Action Requirements. The Consultant will comply with the federal Affirmative Action requirements as provided by 14 C.F.R. Part 152, subpart E during the term of the Contract and the Consultant will require its subconsultants to also comply with the federal Affirmative Action requirements as set out above, and as may be amended. Failure of the Consultant and its subconsultants to maintain compliance during the term of the Contract, including renewal options, is a material breach and may result in termination of this Contract.
SECTION IX – GENERAL INFORMATION

Citywide Capital Improvement Projects. Consulting and contractor services supporting the City’s Capital Improvement Projects are procured under the authority of the City Engineer, currently located within the Street Transportation Department (STD). The STD Contracts Procurement Section coordinates the citywide consulting and construction contracting procurement processes.

Planholder Lists. All firms who download the Request for Qualifications packet for this project from the “Current Opportunities” webpage will be listed on the project’s Planholder List. This report is available within the project folder. The website address is:

http://phoenix.gov/streets/procurement/current-opportunities

Firms receiving a copy of the Request for Qualifications (RFQ) through any other means must download the RFQ from the City webpage and register as a planholder for the project.

Changes to Request for Qualifications. Any changes to this Request for Qualifications will be in the form of a Notification Letter. The City of Phoenix shall not be held responsible for any oral instructions. Notification Letters are available within the project folder. The address is:

http://phoenix.gov/streets/procurement/current-opportunities

It shall be the responsibility of the registered RFQ holder to determine, prior to the submittal of the Statement of Qualifications, if Notification Letters have been issued. Registered RFQ holders may refer to the webpage or call the Contract Specialist (listed below) in order to ascertain if Notification Letters have been issued for this project.

Alternate Format. For more information or a copy of this publication in an alternate format, contact the Contract Specialist (listed below) - Voice or 602-256-4286 – TTY. Requests will only be honored if made within the first week of the advertising period.

Release of Project Information. The City shall provide the release of all public information concerning the project, including selection announcements and contract awards. Those desiring to release information to the public must receive prior written approval from the City.

City Rights. The City of Phoenix reserves the right to reject any or all Statements of Qualifications, to waive any informality or irregularity in any Statement of Qualifications received, and to be the sole judge of the merits of the respective Statements of Qualifications received.

Contact with City Employees. Beginning on the date the RFQ is issued and until the date the contract is awarded or the RFQ withdrawn, all persons or entities that respond to the RFQ, including their authorized employees, agents, representatives, proposed partner(s), subcontractor(s), joint venture(s), member(s), or any of their lobbyists or attorneys (collectively the Proposer), will refrain from any direct or indirect contact with any person (other than the designated Contract Specialist) who may play a part in the selection process, including members of the evaluation panel, the City Manager, Assistant City Manager, Deputy City Managers, Department heads, the Mayor and other members of the Phoenix City Council. As long as the RFQ solicitation is not discussed, Proposers may continue to conduct business with the City and discuss business that is unrelated to this RFQ solicitation with City staff.

Proposers may discuss their proposal or the RFQ solicitation with the Mayor or one or more members of the Phoenix City Council, provided such meetings are scheduled through the Contract Specialist (listed below), conducted in person at 200 West Washington, Phoenix, Arizona 85003, and are posted as open meetings with the City Clerk at least twenty-four (24) hours prior to the scheduled meetings. The City Clerk will be responsible for posting the meetings. The posted notice shall identify the participants and the subject matter, as well as invite the public to participate.

This policy is intended to create a level playing field for all Proposers, assure that contracts are awarded in public, and protect the integrity of the selection process. OFFERORS THAT VIOLATE THIS POLICY WILL BE DISQUALIFIED.
Conflict of Interest. The City reserves the right to disqualify any Proposer on the basis of any real or apparent conflict of interest that is disclosed by the proposal submitted or any other data available to the City. This disqualification is at the sole discretion of the City. Any Proposer submitting a proposal herein waves any right to object now or at any future time, before any body or agency, including but not limited to, the City Council of the City of Phoenix or any court.

Data Confidentiality. Except as specifically provided in the Contract, the Consultant or its subconsultants shall not divulge data to any third party without prior written consent of the City.

Legal Worker Requirements. The City of Phoenix is prohibited by A.R.S. § 41-4401 from awarding a contract to any firm who fails, or whose subconsultants fail, to comply with A.R.S. § 23-214(A). The firm and each subconsultant shall comply with all federal immigration laws and regulations related to their employees and compliance with the stated law. The City of Phoenix retains the legal right to inspect the papers of any firm or subconsultant employee who is awarded a contract to ensure that the firm or subconsultant is complying with the law.

Lawful Presence Requirement. Pursuant to A.R.S. §§ 1-501 and 1-502, the City of Phoenix is prohibited from awarding a contract to any natural person who cannot establish that such person is lawfully present in the United States. To establish lawful presence, a person must produce qualifying identification and sign a City-issued affidavit affirming that the identification provided is genuine. This requirement will be imposed at the time of contract award. This requirement does not apply to business organizations such as corporations, partnerships or limited liability companies.

Worker Background Screening. Consultant and its subconsultants awarded a contract for this project shall perform Background Screening for all employees providing services for the project. The Background Screening provided by Consultant and subconsultants shall comply with A.R.S. § 41-4401, and all applicable laws, rules and regulations. In addition to the Background Screening performed by the Consultant and subconsultants, the City reserves the right to require the Consultant and subconsultants provide fingerprints and execute other documentation as necessary to obtain criminal justice information pursuant to A.R.S. § 41-1750(G)(4) or Phoenix City Code § 4-22.

Badge Access Requirements. The Consultant and subconsultants shall not be allowed to begin work in a City facility without prior completion and City’s acceptance of the required background screening; and when required, the Consultant’s and subconsultant’s receipt of and payment for a City issued badge.

Protest Procedures. Firms wishing to respond to disqualification or a procurement outcome may refer to The Code of the City of Phoenix Chapter 2, Article XII, Section 2-188 which governs protest procedures utilized throughout the selection process. The procedures may be reviewed through the City of Phoenix website at:

http://www.codepublishing.com/az/phoenix/

Questions. Questions pertaining to this selection process or contract issues should be directed to the Contract Specialist, Liz Blakley at (602) 273-2108.
EXHIBIT A – DISADVANTAGED BUSINESS ENTERPRISE CONTRACT CLAUSE

ATTACH LATEST NEGOTIATED CONTRACT CLAUSE
SECTION I  DEFINITIONS

Agency means the City of Phoenix for purposes of this Contract.

Arizona Unified Certification Program (AZUCP) means a consortium of government agencies organized to provide reciprocal DBE certification within Arizona pursuant to 49 Code of Federal Regulations (CFR) Part 26. The official DBE database containing eligible DBE firms certified by AZUCP can be accessed at: https://adot.dbesystem.com/. The certification system is called the Arizona Unified Transportation Registration and Certification System (AZ UTRACS).

Commercially Useful Function means that a DBE is responsible for executing the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. If a DBE does not perform or exercise responsibility for at least 30% of the total cost of its contract with its own work force, or if the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the DBE is presumed not to be performing a Commercially Useful Function.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including construction and professional services) and the buyer to pay for them.

DBE stands for disadvantaged business enterprise. In this context, DBE means a Small Business Concern that has successfully completed the DBE certification process and has been granted DBE status by an AZUCP member pursuant to the criteria contained in 49 CFR Part 26.

DBE Compliance Specialist means an Agency employee responsible for compliance with this DBE Contract Clause.

EOD means the City of Phoenix Equal Opportunity Department.

Joint Venture (JV) means an association between two or more persons, partnerships, corporations, or any combination thereof, formed to carry on a single business activity. The JV is limited in scope and duration to this Contract. The resources, asset and labor of the participants must be combined in an effort to accrue profit.

Outreach Efforts means the diligent and good-faith efforts demonstrated by a Submitter to solicit participation from interested and qualified DBEs and other Small Businesses. Submitter shall identify and document potential business opportunities for DBEs and other Small Businesses, describe what efforts were undertaken to solicit DBE and Small Business participation, disclose results of negotiations with DBEs and Small Businesses, communicate and record Submitter’s selection decisions relating to DBE and Small Business participants.

Race- and Gender-Neutral (RGN) Measures means a measure or program that is, or can be, used to assist all Small Businesses.

Small Business means, with respect to firms seeking to participate in contracts funded by the U.S. Department of Transportation (US DOT), a Small Business Concern as defined in section 3 of the Small Business Act and Small Business Administration regulations implementing the Act (13 CFR part 121), which Small Business Concern does not exceed the cap on average annual gross receipts specified in 49 CFR § 26.65(b). “Small Business” and “Small Business Concern” are used interchangeably in this DBE Contract Clause.

Subcontract means a contract at any tier below the prime contract, including a purchase order.
Subcontractor means an individual, partnership, JV, corporation or firm that holds a contract at any tier below the prime contract, including a vendor under a purchase order.

Submitter means an individual, partnership, JV, corporation or firm that tenders a submittal to the Agency to perform services requested by a solicitation or procurement. The submittal may be direct or through an authorized representative.

Successful Submitter means a firm that has been selected by the Agency to perform services or furnish supplies requested by a solicitation or procurement.

SECTION II GENERAL REQUIREMENTS

A. Applicable Federal Regulations. This Contract is subject to DBE requirements issued by USDOT in 49 CFR Part 26. Despite the lack of a race- and gender-conscious DBE participation goal for this Contract, the Agency must track and report DBE participation that occurs as a result of any procurement, JV, goods/services, or other arrangement involving a DBE. For this reason, the Successful Submitter shall provide all relevant information to enable the required reporting.

B. DBE Participation. For this solicitation, the Agency has not established a race- or gender-conscious DBE participation goal. The Agency extends to each individual, firm, vendor, supplier, contractor, and subcontractor an equal economic opportunity to compete for business. The Agency uses race- and gender-neutral measures to facilitate participation by DBEs and Small Businesses. The Agency encourages each Submitter to voluntarily subcontract with DBEs and Small Businesses to perform part of the work—a Commercially Useful Function—that Submitter might otherwise perform with its own forces.

C. Counting DBE Participation. The Agency will count DBE participation as authorized by federal regulations. A summary of these regulations can be found at phoenix.gov/eod.

D. DBE Certification. Only firms (1) certified by the Agency or another AZUCP member, and (2) contracted to perform a Commercially Useful Function on scopes of work for which they are certified, may be considered to determine DBE participation resulting from RGN measures on this Contract. This DBE determination affects the Agency’s tracking and reporting obligations to USDOT.

E. Civil Rights Assurances. As a recipient of USDOT funding, the Agency has agreed to abide by the assurances found in 49 CFR Parts 21 and 26. Each Contract signed by the Agency and the Successful Submitter, and each Subcontract signed by the Successful Submitter and a Subcontractor, must include the following assurance verbatim:

“The contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, sex, or creed in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Parts 21 and 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the City of Phoenix deems appropriate.”

Note: For purposes of the required Contract and Subcontract language above, Successful Submitter is the “contractor.”

SECTION III REQUIRED OUTREACH EFFORTS

The Agency has implemented outreach requirements for this Contract. Specifically, Successful Submitter shall: (1) identify small-business-participation opportunities, including Commercially Useful Functions; (2) actively solicit proposals from small businesses; (3) evaluate small-business proposals; and (4) communicate selection decisions to small businesses, including each rejection of a small-business proposal. If Successful Submitter fails to conduct these Outreach Efforts or fails to submit the required documentation of Successful Submitter's Outreach Efforts as indicated in Section IV, Parts A and B below, the Agency may determine that the Successful Submitter is noncompliant.
SECTION IV  PRE-AWARD SUBMITTAL REQUIREMENTS

Documentation due with initial qualifications-based submittal.

Each Submitter shall complete and submit Attachment A (Statement of Outreach Commitment) with its initial qualifications-based submittal. Submittals that do not have this form completed and signed will be deemed nonresponsive. A nonresponsive submittal will be disqualified from further evaluation.

SECTION V  POST-AWARD SUBMITTAL REQUIREMENTS

A. Documentation due within 30 calendar days following the award of the contract by the Agency and prior to the execution of each Guaranteed Maximum Price (GMP).

1. Attachment B (Documentation of Outreach Efforts). Successful Submitter shall complete and submit Attachment B documenting its diligent, earnest outreach efforts for professional services in the design phase and trade areas in all GMP (if applicable) phase of the contract, as described in Section VII of this clause.

   a. Successful Submitter shall list in Attachment B all DBEs and Small Businesses contacted by Successful Submitter. Successful Submitter shall also provide the following minimum information to document its Outreach Efforts. The DBE Compliance Specialist will consider this information to determine whether Successful Submitter has demonstrated the required Outreach Efforts:

   1) Each business’s full legal name and contact information;
   2) Business status (DBE, Small Business, SBE, or unknown);
   3) Scope of work solicited (brief description, percentage of contract value);
   4) Solicitation method (personal contact, telephone, fax, e-mail, other);
   5) Selection process; and
   6) Communication of selection outcome to each participant.*

   *Successful Submitter shall provide supporting documentation that shows Submitter has communicated its final selection decisions and outcomes to all DBEs and Small Businesses, including those not chosen to participate in this Contract.

   b. Successful Submitter shall complete Attachment B in accordance with the following instructions.

      1) Successful Submitter shall actively contact DBEs or Small Businesses for each scope of work or business opportunity selected for Outreach Efforts (Columns A and C).
      2) Successful Submitter’s contacts with DBEs and Small Businesses should occur well before the deadline for the 30 calendar days following the award of the contract and prior to the execution of each GMP to afford the firms contacted a reasonable opportunity to prepare a proposal and participate in the Contract.
      3) Successful Submitter shall ask each firm to indicate the number of its employees (Column A).
      4) For each DBE’s or Small Business’s annual gross receipts, Successful Submitter shall ask the firm to indicate the gross-receipts bracket into which it fits (e.g., less than $500,000; $500,000 – $1 million; $1 – 2 million; $2 – 5 million; etc.) rather than requesting an exact figure from the firm (Column A).
      5) If Successful Submitter does not select a DBE or Small Business to participate in the Contract, Successful Submitter shall explain the reason why (Column E).
      6) Successful Submitter shall notify each DBE or Small Business contacted whether or not Successful Submitter selected the firm. Successful Submitter shall notify all firms of their selection outcome, and Successful Submitter shall state when (date) and how (method) the selection outcome was communicated to each firm (Column F).
2. **Attachment B Supporting Documentation.** Successful Submitter shall complete and submit supporting documentation of its Outreach Efforts related to Attachment B.

   a. Successful Submitter shall submit with Attachment B—on the due date for Attachment B—all supporting documentation of Successful Submitter’s contacts with DBEs or Small Businesses for each scope of work or business opportunity selected for Outreach Efforts.

   b. This documentation must include: (1) descriptions of scopes of work and business opportunities identified for DBE and Small Business participation, and (2) a copy of the actual solicitation sent to interested DBEs and Small Businesses. The solicitation may be in the form of a letter, attachment to an e-mail, advertisements in newspapers and trade papers, or written communications with chambers of commerce.

   c. Successful Submitter shall submit documentation that establishes how Submitter communicated its selection decisions and outcomes to each DBE and Small Businesses selected or not selected for this Contract. This documentation may be in the form of a letter, e-mail, or a telephone log and must show the name of the person contacted and date.

   d. For all of the above documentation, if Successful Submitter uses a blast e-mail or fax format, the documentation submitted must include the a copy of the e-mail or fax, and Successful Submitter must disclose all e-mail addresses and fax numbers to which the solicitation or outcome notification was sent and the date and time of the transmission. For telephone contacts, Successful Submitter shall document the date and time of the call and the names of the respective persons representing Successful Submitter and the DBE or Small Business.

3. **Attachment C (Small Business Utilization Commitment).** The Successful Submitter shall sign and submit Attachment C, which commits Successful Submitter to the Agency as follows:

   1) The firms indicated as “Selected” in Attachment B will participate in the Contract;

   2) The Successful Submitter will comply with the Race- and Gender-Neutral post-award requirements as stated in Sections VI and VII below;

   3) Any and all changes or substitutions will be authorized by the DBE Compliance Specialist before implementation; and

   4) The proposed total Small Business participation dollar value is true and correct.

Successful Submitter shall ensure that the dollars proposed for Small Business participation on Attachment B equal the total dollar value proposed in Attachment C.

**B. Failure To Meet Outreach Requirements.** The DBE Compliance Specialist will determine, in writing, whether Successful Submitter has satisfied all outreach requirements. If the DBE Compliance Specialist determines that Successful Submitter has failed to satisfy the outreach requirements (specified in Section V, Parts A & B), then the DBE Compliance Specialist may determine that the submittal is noncompliant. The Agency shall send written notice to Successful Submitter stating the basis for DBE Compliance Specialist’s decision. Failure to fulfill the Outreach Requirements is considered a breach of contract.

**SECTION VI POST-AWARD COMPLIANCE REQUIREMENTS**

**A. Subcontracting Commitment.** Within 30 days after Contract award and prior to each GMP, the Successful Submitter shall submit to Agency a list of all subcontractors and copies of all executed contracts, purchase orders, subleases, JV agreements, and other arrangements formalizing agreements between Successful Submitter and any DBE or Small Business.

The Successful Submitter shall not terminate any DBE or Small Business Subcontracts, and the Successful Submitter shall not alter the scope of work or reduce the Subcontract amount, without the DBE Compliance Specialist’s prior written approval. Any request to alter a DBE or Small Business Subcontract
must be submitted in writing to the DBE Compliance Specialist before any change is made. If the Successful Submitter fails to do so, the Agency may declare Successful Submitter in breach of contract.

B. Relief From Proposed DBE Utilization. After Contract award, the Agency will not grant relief from the proposed DBE or Small Business utilization except in extraordinary circumstances. The Successful Submitter’s request to modify DBE or Small Business participation must be in writing to the DBE Compliance Specialist. The DBE Compliance Specialist has final discretion and authority to determine if the request should be granted.

Submitter’s written request must set forth the amount of relief sought, evidence that demonstrates why relief is necessary, and any additional relevant information that the DBE Compliance Specialist should consider. The Successful Submitter shall include with the request all documentation of Submitter’s attempts to subcontract with the DBE or Small Business and any other action taken to locate and solicit a replacement DBE or Small Business.

If an approved DBE allows its DBE certification to expire, or the certification is revoked during the course of the Subcontract, the Agency will consider all work performed by the DBE under the original contract to count as DBE participation. No increased scope of work negotiated after expiration or revocation of the DBE’s certification may be counted. Likewise, any work performed under a Contract extension granted by the Agency may not be counted as DBE participation.

C. DBE Substitutions. If the DBE or Small Business was approved by the Agency, but the firm subsequently loses its DBE or Small Business status before execution of a contract, the DBE Compliance Specialist will consider whether or not the Successful Submitter has exercised diligent and good-faith efforts to find another DBE or Small Business as a replacement. The Successful Submitter shall notify the DBE Compliance Specialist in writing of the necessity to substitute a DBE or Small Business and provide specific reason(s) for the substitution or replacement. Actual substitution or replacement of a DBE or Small Business may not occur before the DBE Compliance Specialist’s written approval has been obtained.

Prompt Payment of Subcontractors. The Successful Submitter must promptly pay its subcontractors, subconsultants, or suppliers within 30 calendar days of receipt of each progress payment from the Agency. For projects governed by Title 34 of the Arizona Revised Statues, payment must be made within seven (7) calendar days. If the Successful Submitter diverts any payment received for a DBE’s, Small Business’s, or other Subcontractor’s work performed on the Contract or fails to reasonably account for the application or use of the payment, the Agency may declare the Successful Submitter in breach of contract.

Under the prompt-payment provisions of 49 CFR Part 26, the Successful Submitter must ensure prompt and full release of retentions to Subcontractors and suppliers when their scope of work is complete, the Agency has accepted the work, and the Agency has paid Successful Submitter for the work. The Successful Submitter shall pay each Subcontractor’s and supplier’s retention no later than 30 days after the Agency has accepted and paid for the scope(s) of work, regardless if there’s outstanding retention held against the Successful Submitter. If the Agency reduces the Successful Submitter’s retention, the Successful Submitter shall correspondingly reduce the retentions of Subcontractors and suppliers that have performed satisfactory work.

Nothing in this section prevents the Successful Submitter from enforcing its Subcontract with a Subcontractor or supplier for defective work, late performance, and other claims arising under the Subcontract.

D. Sanctions and Penalties. If the Successful Submitter fails to comply with these contract provisions and the requirements set forth in 49 CFR Part 26, the Agency may take any one or more of the following actions:

1. Declare the Successful Submitter in breach of contract;
2. Withhold future payments, including retention, until proper payment has been made to all Subcontractors and suppliers;
3. Reject the Successful Submitter's future bids on Agency contracts for a period not to exceed one (1) year from the substantial-completion date of this Contract; and/or
4. Terminate the Contract.

SECTION VII RECORDS & REPORTING REQUIREMENTS

A. Records. During performance of the Contract, the Successful Submitter shall keep all records necessary to document DBE and Small Business participation. The Successful Submitter shall provide the records to the Agency within 72 hours of the Agency’s request and at final completion of the Contract. The Agency will prescribe the form, manner, and content of reports. The required records may include but not limited to:

1. A complete listing of all Subcontractors and suppliers on the project;
2. Each Subcontractor’s and supplier’s scope performed;
3. The dollar value of all subcontracting work, services, and procurement;
4. Copies of all executed Subcontracts, purchase orders, and invoices: and
5. Copies of all payment documentation.

B. Reports. At the beginning of each month, the Successful Submitter must enter payment information and the following documentation into the Agency’s web-based Certification and Compliance System.

1. The total of all payments received from the City during the previous month.
2. The first two pages of each payment application submitted for those payments.
3. All payments made to Subcontractors during the previous month.

The reporting system can be found at https://phoenix.diversitycompliance.com

Before the Agency processes the Successful Submitter’s final payment and/or outstanding retention held against the Successful Submitter, the Successful Submitter shall submit to the Agency a final certification of full and final payment to each Subcontractor in the form prescribed by the Agency. The form must be completed and certified by the Successful Submitter’s and each Subcontractor’s duly authorized agents.
ATTACHMENT A

Disadvantaged Business Enterprise (DBE) Program
STATEMENT OF OUTREACH COMMITMENT
(Due with initial submittal)

On behalf of the Submitter, I certify under penalty of perjury that the following information is true and correct.

If selected as the Successful Submitter, the Successful Submitter will:

1) Conduct all required outreach efforts and submit all required outreach efforts documentation for the design services phase within 30 days following the award of the contract;

2) Conduct all required outreach efforts and submit all required outreach efforts documentation prior to the start of each GMP in this Contract; and

3) Comply with the Race- and Gender-Neutral post-award requirements stated in Sections V, VI and VII of the DBE Contract Clause.

Signed: ____________________________________________________
Printed Name: ________________________________________________
Title: ______________________________________________________
Name of Submitter: ___________________________________________
Date: ______________________________________________________
ATTACHMENT B
DOCUMENTATION OF OUTREACH EFFORTS
(Along with supporting documentation, due within 30 days following contract award and prior to each GMP)

Successful Submitter’s Name: ___________________________  Project Title/Number: ___________________________

Successful Submitter must conduct outreach efforts and submit documentation of those outreach efforts as described in Sections III and V of the Disadvantaged Business Enterprise (DBE) Program Race- and Gender-Neutral Contract Clause (Contract Clause). Detailed instructions for this form are included in Section V of the Contract Clause. Supporting documentation is required for columns D and F. Successful Submitter should make additional copies of this form as needed.

<table>
<thead>
<tr>
<th>(A) Small Business Name and Contact Information</th>
<th>(B) Business Status</th>
<th>(C) Scope of Work Solicited</th>
<th>(D) Solicitation Method</th>
<th>(E) Was this firm selected as a participant?</th>
<th>(F) Communication of final selection outcome</th>
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<td>Name:</td>
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<td>Firms must be notified of final selection outcome prior to submittal of this form. When was firm notified?</td>
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<td>How was the selection outcome communicated to this firm?</td>
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<td>How was the selection outcome communicated to this firm?</td>
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<td>Firms must be notified of final selection outcome prior to submittal of this form. When was firm notified?</td>
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□ DBE □ SBC - Small Business Concern
□ SBE - City of Phoenix Certified □ Unknown

Guaranteed minimum dollar value:

□ Newspapers or Websites □ Trade and/or Professional Listing
□ Business Outreach Events □ E-mail blast □ Other

□ Firm was selected □ Firm was not selected

Please provide an explanation, if this firm was not selected
ATTACHMENT C
SMALL BUSINESS UTILIZATION COMMITMENT
(Along with Attachment B, due within 30 days following contract award and prior to each GMP)

On behalf of the Successful Submitter, I certify under the penalty of perjury that the information submitted herein is true and correct:

1) The firms indicated as “Selected” in Attachment B, Documentation of Outreach Efforts, will participate in this contract;
2) The Successful Submitter will comply with the Race- and Gender-Neutral post-award requirements as stated in Sections V and VI of the DBE contract clause;
3) I understand and agree that any and all changes or substitutions must be authorized by the Equal Opportunity Department prior to implementation; and
4) The following statement is true and correct:

The proposed total participation of DBE, SBC, and SBE firms on this contract will be:

$___________

Signed By: ____________________________ (signature)
Print Name: ____________________________
Title: ____________________________
Name of Company: ____________________________
Date: ____________________________